

September 26, 2019

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, D.C. 20554

Re: USTelecom *Ex Parte* Notice, WC Docket Nos. 19-126, *Rural Digital Opportunity Fund*; 10-90, *Connect America Fund*; 19-195, *Digital Opportunity Data Collection*

Dear Ms. Dortch:

On September 24, 2019, Bob Udell, President & CEO of Consolidated Communications, Tony Thomas, CEO of Windstream, Dan McCarthy, President & CEO of Frontier Communications, Jonathan Spalter President & CEO of USTelecom – The Broadband Association, Allison Remsen, Executive Vice President, USTelecom – The Broadband Association, and the undersigned (collectively the “USTelecom representatives”) met with the following FCC representatives: Chairman Pai and his Special Counsel Preston Wise; Commissioner Carr and his Legal Advisor Joseph Calascione; Commissioner O’Rielly and his Wireline Legal Advisor Arielle Roth; Commissioner Rosenworcel and her Chief of Staff and Senior Legal Advisor Travis Litman; and Commissioner Starks and his Wireline Legal Advisor Randy Clarke.

The companies represented collectively have 35,000 employees serving over 8 million customers, a significant number of which are rural, in 41 states, and will connect over 1.3 million locations through the Commission’s Connect America Fund (CAF). During the meeting, the USTelecom representatives discussed their strong and enduring commitment to closing the digital divide in rural America. Each company discussed their support of the Rural Digital Opportunity Fund (RDOF) and their interest in participating in the RDOF auction. The USTelecom representatives articulated several key principles that are essential for the program’s success.

First, the program should be based on the best available data. To that end, the Commission should move forward with its Digital Opportunity Data Collection proceeding as quickly as possible, establishing a national Broadband Serviceable Location Fabric (Fabric) upon which providers can report service availability. Consistent with USTelecom’s recent comments in the RDOF proceeding, the USTelecom representatives urged, at a minimum, the Commission to establish the Fabric in unserved areas that the Commission proposes to auction in phase one of the RDOF. However, should the Commission decide to proceed to phase one of the RDOF based only on form 477 data without reference to additional and more granular data provided by the Fabric, the Commission must address up front the fact that the auction will be based on

inherently flawed location counts and bidders should be held harmless for such data discrepancies.

Second, the USTelecom representatives urged the Commission to focus on the critical importance of terrestrial broadband infrastructure. 5G connectivity in rural America depends on fiber infrastructure being deployed more deeply and ubiquitously into rural areas. The RDOF represents a significant opportunity to invest in the future of 5G deployment in rural America if the program prioritizes terrestrial broadband deployment, which the USTelecom representatives urged the Commission to carefully consider as it develops auction bidding weights. The companies also noted the importance of ensuring that support is awarded to companies that can sufficiently demonstrate their ability to comply with RDOF service obligations prior to the auction commencing.

Third, the USTelecom representatives outlined the importance of ensuring appropriate transitions in areas where an incumbent price cap carrier no longer receives funding either because it chose not to bid or where support is awarded to a competitor. As a general matter, the USTelecom representatives articulated that rules applicable only to ILECs due to their historical regulatory classification must be relieved in any areas subject to competition. With respect to RDOF, in areas where a new provider receives RDOF support, the ILEC should be relieved of any obligations to continue serving the area. To the extent that a new provider is unable to immediately provide service, the rules must address this, including the need for continued transitional support if the ILEC is required to continue providing service.

Please direct any questions to the undersigned.

Sincerely,

_____/s/_____
Patrick Halley
Senior Vice President, Policy & Advocacy

cc: Chairman Ajit Pai
Commissioner Brendan Carr
Commissioner Michael O'Rielly
Commissioner Jessica Rosenworcel
Commissioner Geoffrey Starks
Preston Wise
Joseph Calascione
Arielle Roth
Travis Litman
Randy Clarke